HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 285 of 2006 (SS)

Surj Pal Singh Rawat son of Sri Shyam Singh Rawat,
R/o village Chorkhinda, Block Biraunkhal
District Pauri Garhwal ..... Petitioner

Versus

1. State of Uttaranchal
2. Additional District Education Officer (Basic)
   Pauri Garhwal
3. The Recommendatory Committee
   through Secretary Block Education Officer,
   Chorkhinda, Block Biraunkhal
   District Pauri Grhwal

..... Respondents

Sri P.C. Bisht, Advocate for the petitioner
Standing counsel the respondents.

Dated: 4.3.2006

Hon'ble Rajesh Tandon J.

Heard Sri P.C. Bisht, counsel for the petitioner and the Standing counsel for the respondents. Both the parties have agreed that the case be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the subsequent advertisement

dated 19.2.2006 so far as it relates to village Chorkhinda Malla, District Pauri Garhwal and further to issue a writ of mandamus directing the respondents to appoint the petitioner as Shiksha Mitra in Primary School, Chorkhinda, Malla, Block Biraunkhal, District Pauri Garhwal.

Briefly stated in pursuance of the scheme known as Sarva Shiksha Abhiyan, the Additional District Education Officer (Basic) Pauri Garhwal issued an advertisement on 26.11.2005 in the daily news paper 'Amar Ujala' inviting applications for the appointment of Shiksha Mitra in District Pauri Garhwal. According to the case of the petitioner he belongs to village chorkhanda and he is graduate. He applied for the post of Shiksha Mitra in Primary School, Chorkhanda.

The petitioner has submitted that according to Circular letter dated 16.3.2005 issued by the respondent no. 2 if two posts of Shiksha Mitra are to be filled in a Village Panchayat, in such situation one post will go to reserved candidates and another will be filled by unreserved candidate.

The grievance of the petitioner is that one female candidate Smt. Laxmi Devi is already working as Shiksha Mitra at Primary School, Chorkhanda Malla and as such another post will be filled up by unreserved candidate and as such further advertisement dated 19.2.2006, showing the post as reserved, is illegal.

In view of above, liberty is given to the petitioner to move a representation to the respondent No. 2 within 15 days after the receipt of the certified copy of this order, who shall dispose of the same within a month thereafter. The operation of the advertisement dated 16.2.2006 shall remain in abeyance for a period of six weeks so far as it relates to the petitioner only.

Accordingly, writ petition is allowed. No order as to costs. Copy be given today.

Dated: 4.3.2006 **(Rajesh Tandon J.)**